

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

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MONSANTO COMPANY and MONSANTO	:	
TECHNOLOGY LLC,	:	
	:	
Plaintiffs,	:	
v.	:	Case No. 4:09-cv-686 ERW
	:	
E.I. DU PONT DE NEMOURS AND COMPANY and	:	
PIONEER HI-BRED INTERNATIONAL, INC.,	:	
	:	
Defendants.	:	
	:	
-----X		

**DEFENDANTS' MOTION TO COMPEL  
SUPPLEMENTAL ANSWERS TO INTERROGATORIES**

Defendants E.I. du Pont de Nemours and Company and Pioneer Hi-Bred International, Inc. (collectively “Defendants” or “DuPont”), respectfully move this Court for the entry of an order compelling Plaintiffs Monsanto Company and Monsanto Technology LLC (collectively “Plaintiffs” or “Monsanto”) to provide supplemental answers to certain interrogatories. More specifically, Monsanto’s interrogatory responses fail to provide, and Defendants now move to compel, fundamental information concerning the following subjects concerning Monsanto’s claim of infringement and Defendants’ defenses and counterclaims related to non-infringement, invalidity and unenforceability:

- The sequence and function of the DNA, transcribed RNA, or expressed protein allegedly within Roundup Ready® crops and allegedly within the accused seeds in this case (Interrogatory No. 1);
- Monsanto’s limitation-by-limitation basis for its infringement allegations, and factual support for these allegations (Interrogatory No. 2);

- Each asserted effective filing date for each claim of the of the ‘247 Patent, and factual support for such dates (Interrogatory No. 3); and
- Each error in U.S. Patent No. 5,633,435 (the “435 patent”) and the circumstances surrounding these errors (Interrogatory No. 4).

Defendants have satisfied the meet and confer requirement of Local Rule 3.04. Defendants most recently addressed these and other deficiencies with Monsanto by letter on March 8, 2011. Monsanto agreed to supplement its answer to Interrogatory No. 5,<sup>1</sup> but ignored Defendants requests for supplementation of Interrogatory Nos. 1-4. Since Monsanto refuses to give full and complete answers to Interrogatory Nos. 1-4, Defendants now seek judicial intervention because additional efforts to resolve this issue would be futile.

WHEREFORE, Defendants respectfully move the Court for an Order compelling Plaintiffs to provide supplemental answers to Interrogatory Nos. 1-4 as discussed herein and the accompanying memorandum in support and request that the Court set an appropriate expedited time for which such supplemental answers shall be produced.

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<sup>1</sup> Monsanto stated on March 9, 2011 that it will supplement its response to Interrogatory No. 5 relating to Monsanto’s damages allegations. However, Monsanto has not indicated to what extent it will supplement the response, and Defendants reserve the right to move to compel a further supplemental answer to that interrogatory if Monsanto’s response is insufficient.

Dated: March 10, 2011

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 10, 2011, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic to the following ECF registrants:

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